

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BOBBY ZIMMERLE,

Plaintiff,

vs.

W.S.P. MEDICAL SUPERVISORS,
STEVEN HAMMOND, RICK CROSS,
DR. RODRIGUEZ, PAT RIMA, and
MR. DEVON SCHRUM,

Defendants.

NO. CV-08-5093-JPH

**ORDER ADOPTING IN PART AND
MODIFYING IN PART REPORT AND
RECOMMENDATION, DISMISSING
COMPLAINT WITHOUT PREJUDICE, AND
DIRECTING THAT COLLECTION OF THE
FILING FEE CEASE**

Magistrate Judge Hutton filed a Report and Recommendation on March 3, 2009, recommending Mr. Zimmerle's Motion to Voluntarily Dismiss the Complaint (Ct. Rec. 9) be granted and his motion to waive collection of the filing fee (Ct. Rec. 10) be denied. There being no objections, the Court **ADOPTS** in part and **MODIFIES** in part the Report and Recommendation.

Accordingly, **IT IS ORDERED** Plaintiff's Motion to Voluntarily Dismiss the Complaint (Ct. Rec. 9) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**.

Plaintiff also filed a Motion to waive collection of the remaining balance of the filing fee in this action. For good cause shown, **IT IS ORDERED** Plaintiff's motion (Ct. Rec. 10) is **GRANTED** and the institution

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1 having custody of Mr. Zimmerle shall cease collection of the filing fee
2 in this action, cause number **CV-08-5093-JPH**.

3 **IT IS SO ORDERED.** The District Court Executive is directed to
4 enter this Order, enter judgment of dismissal without prejudice, forward
5 a copy to Plaintiff, and close the file. The District Court Executive
6 is further directed to send a copy of this Order to the Office of the
7 **Department of Corrections, Attn: LFO/COS UNIT, P.O. Box 41107, Olympia,**
8 **WA 98504-1107,** to forward to the appropriate agency having custody of
9 Plaintiff. The District Court Executive also **shall** provide a copy of
10 this Order to the Financial Administrator for the United States District
11 Court, Eastern District of Washington.

12 **DATED** this 27th day of April 2009.

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14 S/ Edward F. Shea

15 EDWARD F. SHEA
16 UNITED STATES DISTRICT JUDGE

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27 ORDER ADOPTING IN PART AND MODIFYING IN PART REPORT AND
28 RECOMMENDATION, DISMISSING COMPLAINT WITHOUT PREJUDICE, AND DIRECTING
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